

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHRISTOPHER A. BARRETT,</b>	:	<b>No. 1:14-cv-1206</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Kane)</b>
<b>v.</b>	:	
	:	<b>(Magistrate Judge Blewitt)</b>
<b>DETECTIVE RYAN MONG, <u>et al.</u>,</b>	:	
<b>Defendants</b>	:	

**ORDER**

Before the Court is Magistrate Judge Blewitt’s Report and Recommendation of July 28, 2014, recommending that the Court strike Plaintiff Christopher A. Barrett’s claim for specific damages, dismiss without prejudice Plaintiff’s malicious prosecution and false arrest claims against Defendants Ryan Mong and Detective Walton, and dismiss with prejudice his claims alleging violations of his Miranda rights and Sixth Amendment right to counsel. (Doc. No. 10.) Magistrate Judge Blewitt also recommends that Plaintiff’s claim that Defendant Mong violated his Fourth Amendment right to be free from excessive force be allowed to proceed. (Id.) On August 7, 2014, Plaintiff filed a motion for an extension of time in which to file an amended complaint. (Doc. No. 12.) Plaintiff did not file any documents labeled as “objections” to Magistrate Judge Blewitt’s Report and Recommendation. However, because Plaintiff filed his motion for an extension of time in response to the Report and Recommendation, but before the Court’s adoption of the same, the Court will construe Plaintiff’s motion as an objection as to the amount of time in which he may file an amended complaint. Plaintiff seeks to increase the time period in which he may file an amended complaint from fourteen to thirty days. (See Doc. No. 12 at 2.)

Upon review of the Report and Recommendation, the Court finds no errors of law.

Accordingly, the Court will adopt the Report and Recommendation in all respects except regarding the amount of time in which Plaintiff may file an amended complaint. The Court will grant Plaintiff's objection to the amount of time in which he may file his amended complaint.

(Doc. No. 12.)

**AND NOW**, on this 22nd day of August 2014, **IT IS HEREBY ORDERED THAT** Magistrate Judge Blewitt's Report and Recommendation (Doc. No. 10) is **ADOPTED IN PART** and **NOT ADOPTED IN PART** as follows:

1. Plaintiff's claim for specific damages is **STRICKEN**;
2. Plaintiff's malicious prosecution and false arrest claims against Defendants Mong and Walton are **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff's claims alleging violations of his Miranda rights and Sixth Amendment right to counsel are **DISMISSED WITH PREJUDICE**;
4. Plaintiff's objection to the amount of time in which he may file an amended complaint (Doc. No. 12) is **GRANTED**;
5. Plaintiff **SHALL FILE** any amended complaint within thirty days of the date of this order; and
6. The case is remanded to Magistrate Judge Blewitt for further proceedings.

S/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania